SEP 0 6 2011 CERTIFICATE OF MAILING

in an envelope addressed: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450, on the date noted below:

Date: 9 | | Sean Mellino

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Stefan Bracht

Serial No. : 10/553,708 (Conf. No. 5800)

Filing Date : June 16, 2006

Examiner : Isis A.D. Ghali

Group Art Unit : 1611

Title : MEDICAL ACTIVE SUBSTANCE PATCH WITH

REDUCED OPTICAL CONSPICUOUSNESS ON THE

SKIN

Attorney File : ZO4101US (#90817)

INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 CFR 1.97

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Dear Sir,

Under the provision of 37 C.F.R. 1.56, 1.97 and 1.98, Applicant would like to call the Examiner's attention to the references listed on the attached Form PTO-1449. Copies of any U.S. patent references are not enclosed. Copies of the non-U.S. patent references and non-patent references are enclosed as required.

In accordance with 37 C.R.F. 1.97(c), and as this Information Disclosure Statement

is being filed after the issuance of a first Office action after the filing of a request for

continued examination but before the mailing date of a final action, the fee set forth in

§1.17(p) is also enclosed herewith.

In accordance with 37 C.F.R. 1.97(g) and 37C.F.R.1.97(h), filing of this Information

disclosure Statement shall not be construed to be an admission that the information cited in

the statement is, or is considered to be, material to patentability as defined in 34 C.F.R.

1.56(b).

The Examiner is requested to make the attached references of record and to consider

these references along with such other references deemed pertinent as a result of the

Examiner's own independent search and examination.

Respectfully submitted,

Reg. No. 24,603

Date: Cherist 31, 2011

D. Peter Hochberg Co., L.P.A. 1940 E.6th Street – 6th Floor Cleveland, OH 44114-2294 (216) 771-3800

DPH/sfm



FORM PTO-1449

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U S PATENT DOCUMENTS

| Examiner | Documen | t | | | | |
|----------------|---------------------------------------|--------------------|-------------------|----------------|--|--|
| <u>Initial</u> | Number | Date | Nan | ne | | |
| | 5,004,610 | 4/2/91 | Osb | Sborne, et al. | | |
| | 6,080,421 | 6/27/2000 | Steinborn, et al. | | | |
| | (English equivalent to DE '593 below) | | | | | |
| Examiner | <u>U</u> Document | J.S. Published App | plications | | | |
| Initial | Number | Date | Name | | | |
| | | Foreign Patent I | Documents | | | |
| Examiner | Document | | | Translation | | |
| <u>Initial</u> | Number | Date | Country | (Yes/No) | | |
| | CA 2366859 | 9/28/2000 | CA | No. | | |

| | (English equivalent to DE '623 below) | | | | | | |
|----------------------------|---|-----------|----|------------------|--|--|--|
| | DE7529365 | 1/8/76 | DE | Yes | | | |
| | DE4030465 | 4/2/92 | DE | Yes | | | |
| | DE19519593 | 8/29/96 | DE | No (See US '421) | | | |
| | DE19912623 | 9/28/2000 | DE | No (See CA '859) | | | |
| | JP 62-195073 | 8/27/87 | JP | Yes | | | |
| | JP 7-206624 | 8/8/95 | JP | Yes | | | |
| | WO 00/37058 | 6/29/2000 | WO | No | | | |
| | Other Prior Art (Inc. Author, Title, Date, Pertinent Pages, Etc) | | | | | | |
| Examiner <u>Initial</u> | Document | | | | | | |
| | "Doctor's Guide to Medical & Other News" (Excerpt); www.pslgroup.com (April 18, 2000) | | | | | | |
| | Test results of lightness values NICODERM® CQ® Patch (April 24, 2008) | | | | | | |
| | Screen shot advertisement "Clear NICODERM® CQ®" (5/8/08) | | | | | | |
| Examiner | Date Considered: | | | | | | |
| | | | | | | | |
| Examiner: | Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant | | | | | | |